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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,602	10/09/2001	Blane L. Chocklett	CHOCK1 (12938.2)	6175

6980 7590 04/01/2003

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EXAMINER
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HESS, BRUCE H

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 04/01/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/973,602

Applicant(s)

Chocklett et al.

Examiner

Bruce Hess

Group Art Unit

1774

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 1-8-03 (Election)
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 10-14 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 10-14 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

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1. The restriction requirement of Paper No. 6 is adhered to and made final for the reasons of record.
2. Claims 10-14 are rejected under 35 USC 112 (first paragraph) as being broader than the enabling disclosure as a result of applicants' failure to recite that the "coating" comprises metal.
3. Claims 10-14 are rejected under 35 USC (secondary paragraph) as being indefinite for the reasons set forth below:
  - A. Is the sheet of foil actually adhered to the surface of the base material as recited or is it actually adhered to the overlying adhesive?; and
  - B. Use of the term "transferring" in the last step is confusing since the foil is already adhered to the base material. It is suggested that applicants use their language from page 7, line 6 of their specification instead (i.e., "the foil being retained on said base material" after the applicator is removed).
4. Claims 10 and 14 are rejected under 35 USC 102(b) as being anticipated by the patent to Yokomizo (U.S.P. 4,225,641; see column 1, lines 53-55; column 2, lines 18-25, 55 and 56; column 3, lines 1-5, 47-52 and 61-65; and column 4, lines 6-11).
5. Claims 10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent to Yokomizo.

Yokomizo teaches a method for manufacturing a sheet of material for use in arts and crafts wherein adhesive 6 is applied to a base material (e.g., feather or foam), foil comprising applicator 18 and metal 16 is adhered to the base material and the

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applicator is removed. Placing this water-insoluble article in water would have no adverse effect on the article.

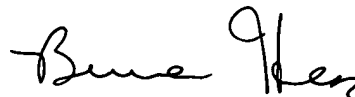
Honse (U.A.P. 4,307,531) is cited to show the state of the art of arts and crafts material employed in the making of fishing lines.

Applicants' attention is directed to the fact that the prior art fails to teach or suggest the subject matter of claim 11.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce Hess whose telephone number is (703) 308-2402. The examiner can normally be reached on Monday to Friday 9 Am to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on (703) 308-0449. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7115 for regular communications and (703) 308-7115 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



B. Hess/mn  
March 24, 2003

BRUCE H. HESS  
PRIMARY EXAMINER